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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,088	04/26/2001	JJ Garcia-Luna-Aceves	5543P003	1603

7590   07/27/2006

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ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/845,088
Filing Date: April 26, 2001
Appellant(s): GARCIA-LUNA-ACEVES ET AL.

Lester J. Vincent (Reg. 31,460)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 04/14/2006 appealing from the

Office action mailed 04/27/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,415,323   McCanne   7-2002

| 6,708,187 | Shanumgam | 3-2004 |
| 6,785,704 | McCanne | 8-2004 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed

claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis

for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a
> whole would have been obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

2. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being

unpatentable over McCanne et al. (6,415,323) (hereinafter McCanne) in view

of Shanumgan et al. (6,708,187) (hereinafter Shanumgan).

3. As per claim 1, McCanne discloses directing a client's request for an

information object to an information object repository without regard as to

whether the information object is actually stored at the information object

repository (database, probe and loading characteristics, col 19, lines 35-38);

and

determining, according to information included in a uniform resource

locator (URL) whether the client to receive the information object (embed,

col 9, lines 48-60, col 5, lines 60-65, col 6, lines 1-4).

McCanne does not specifically disclose client is authorized.

However, Shanumgan discloses client authorization (col 5, lines –55).

Therefore, it would have been obvious to one of ordinary skill in the art

at the time of the invention was made to combine McCanne with Shanumgan

because it would provide the trusted computing base concept, discretionary

access control, labels, mandatory access controls, object reuse, audit,

identification and authentication, trusted path, and security testing.

4.   As per claim 2, McCanne discloses wherein the information object

repository is selected according to specified performance metrics (Quality of

service and load balancing, col 17, lines 48-67).

5.   As per claim 3, McCanne discloses McCanne does not specifically

disclose average delay from the information object repository to the client,

average processing delays at the information object repository, reliability of

a path from the information object repository to the client, available

bandwidth in said path, and loads on the information object repository

(Quality of service and load balancing, col 17, lines 48-67).

6.   As per claim 4, McCanne discloses further comprising instructing the

information object repository to obtain a copy of the information object

(locally cached, col 15, lines 1-26).

7.   As per claim 5, McCanne discloses wherein the information included in

the URL comprises information identifying the requesting client (col 15, lines

1-26).

8.   As per claim 6, McCanne discloses wherein the information included in

the URL further comprises information identifying an owner of the

information object (col 8, lines 65-67, col 9, lines 1-12).

9.   As per claim 7, McCanne is silent about the wherein the information

included in the URL comprises one or more digital signatures.

However, Shanumgan discloses wherein the information included in

the URL comprises one or more digital signatures (URL blocking, col 11, 1-

10, col 17, lines 38-55, col 18, lines 4-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine McCanne with Shanumgan because it would provide the trusted computing base concept, discretionary access control, labels, mandatory access controls, object reuse, audit, identification and authentication, trusted path, and security testing.

10.   As per claim 8, McCanne is silent about one or more digital signatures identify one or more of: the requesting client, and an owner of the information object.

However, Shanumgan discloses wherein the one or more digital signatures identify one or more of: the requesting client, and an owner of the information object (URL blocking, col 11, 1-30, col 17, lines 38-55, col 18, lines 4-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine McCanne with Shanumgan because it would provide the trusted computing base concept, discretionary access control, labels, mandatory access controls, object reuse, audit, identification and authentication, trusted path, and security testing.

11.   As per claim 9, McCanne discloses wherein the information included in the URL is compared with an access list at the information object repository

to determine whether the client is authorized to receive the information

object (col 5, lines 60-65, col 6, lines 1-4, col 15-16).

12.   As per claim 10, McCanne is silent about the denying access to the

information object if the client is not authorized to receive the information

object, otherwise, returning the information object to the client.

Ｈowever, Shanumgan discloses denying access to the information

object if the client is not authorized to receive the information object,

otherwise, returning the information object to the client (URL blocking, col

11, 1-30, col 17, lines 38-55, col 18, lines 4-24).

Therefore, it would have been obvious to one of ordinary skill in the art

at the time of the invention was made to combine McCanne with Shanumgan

because it would provide the trusted computing base concept, discretionary

access control, labels, mandatory access controls, object reuse, audit,

identification and authentication, trusted path, and security testing.

13.   As per claim 11, McCanne discloses the information included in the

URL comprises at the information object repository to determine whether the

client is to receive the information object (col 5, lines 60-65, col 6, lines 1-4,

col 15-16).

However, Shanumgan discloses the information included in the URL comprises multiple digital signatures and each digital signature is compared with an access list at whether the client is authorized to the information (URL blocking, col 11, 1-30, col 17, lines 38-55, col 18, lines 4-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine McCanne with Shanumgan because it would provide the trusted computing base concept, discretionary access control, labels, mandatory access controls, object reuse, audit, identification and authentication, trusted path, and security testing.

(10) Response to Argument

A.   Appellant primarily argued on page 10 of the brief that McCanne and Shanumgan, which, when considered in combination, fails to teach the use of "information included in a uniform resource locator (URL) to determine whether a client is authorized to receive requested content". The examiner respectfully disagrees.

As noted in the Final Office Action Examiner relies on Shanumgam only to teach single policy enforcer to authenticate user and to protect network from the malicious users by blocking URL's (please see discussion of policy engine, fig 19, col 17, line 6 - col 18, line 23).

McCanne discloses "anycast based content distribution network/content backbone to perform user specific authentication,

monitoring, customization, advertising and so forth" (col 6, lines 5-10),

hence, McCanne also discloses "the service access mechanism is highly

scalable, since the closest service node is discovered using anycast, which

can be accomplished with standard routing protocols deployed in novel

configurations; The system offers substantial bandwidth savings, since

requests may be routed to the nearest service node, thereby minimizing the

number of network links that content must flow across; The service

infrastructure provides fine-grained control, monitoring, and customization

of client" (client/user someone who pays for goods or services, it is

inherently teaches client is authorized to access) "connections" (col 6, lines

17-26). McCanne further teaches embedding additional information in the

URL to identify the particular location or other attributes for the content in

question (col 9, lines 49-54).

McCanne discloses determining, according to information included in a

uniform resource locator (URL) to receive requested content (embedding

additional information and attributes in the URL; col 6, lines 5-10; lines 17-

26; col 9, lines 49-54), but does not specifically show the additional

information being whether a client is authorized to receive requested

content. Shanumgan discloses secure and efficient means of authenticating

user (fig 19, col 5, lines 46-51). Therefore, it would have been obvious to

authorize user using Shanumgan policy enforcer to access McCanne content

distribution network by providing additional access information in the URL,

because it would provide distributed computer architectures labeled

"content backbone" designed for the sharing of computer resources

(content, storage, CPU cycles) by direct exchange, will also provide

characteristics such as security, scalability, performance, fairness, and

resource management potential, caching, and support for encryption,

access control, authentication and identity, anonymity, deniability, and

accountability.

As evidence of the above motivation: U.S. Patent 6,785,704 (fig 7; col

17, lines 34-51; col 18, lines 12-26).

Thus, Examiner asserts that the combination of McCanne and

Shanumgan, which, when considered in combination, discloses the use of

"information included in a uniform resource locator (URL) to determine

whether a client is authorized to receive requested content".

B.   Applicant is of the opinion that the combination of McCanne and

Shanumgam is based on impermissible hindsight and no adequate

motivation or other reasons for combining these teachings has been

presented. The Examiner respectfully disagrees.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to authorize user using Shanumgan policy enforcer to access McCanne content distribution network by providing additional access information in the URL, because it would provide distributed computer architectures labeled "content backbone" designed for the sharing of computer resources (content, storage, CPU cycles) by direct exchange, will

also provide characteristics such as security, scalability, performance,

fairness, and resource management potential, caching, and support for

encryption, access control, authentication and identity, anonymity,

deniability, and accountability.

As evidence of the above motivation: U.S. Patent 6,785,704 (fig 7; col

17, lines 34-51; col 18, lines 12-26).

For all of these reasons, claim 1 is properly rejected under 35 USA

(103 (a) as anticipated by McCanne in view of Shanumgam.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the examiner in the Related

Appeals and Interferences section of this examiner's answer identifies the

Board.

For the above reasons, it is believed that the rejections should be
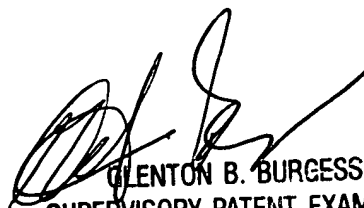
sustained.

Respectfully submitted,
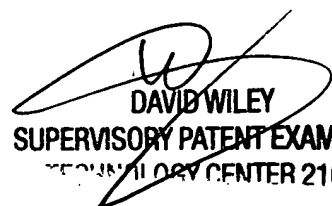
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July 18, 2006

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